

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

K.MIZRA LLC)	
)	
Plaintiff,)	Case No. 2:21-cv-00305-JRG
)	
v.)	JURY TRIAL DEMANDED
)	
HEWLETT PACKARD ENTERPRISE)	
COMPANY and ARUBA NETWORKS, LLC,)	
)	
Defendants.)	

STIPULATION AND JOINT MOTION FOR DISMISSAL OF CERTAIN CLAIMS

Plaintiff K.Mizra LLC and Defendants Hewlett Packard Enterprise Co. and Aruba Networks, LLC (collectively, “Defendants”) hereby stipulate and respectfully request that this Court enter an Order dismissing certain claims in this action, on the following terms and conditions:

1. K.Mizra’s claims for willful infringement of U.S. Patent Nos. 8,234,705 and 9,516,048 are dismissed without prejudice.
 - a. K.Mizra’s dismissal of its willfulness allegations per this stipulation does not bar K.Mizra from taking discovery related to willful infringement.
 - b. K.Mizra reserves all rights granted by Federal Rule of Civil Procedure 15 to move to amend to add allegations relating to willful infringement.
2. Defendants HPE and Aruba’s Fifth Counterclaim for Breach of Contract is dismissed without prejudice.
 - a. Defendants’ dismissal of their breach of contract counterclaim per this stipulation does not bar Defendants from taking discovery related to breach of contract.

- b. Defendants reserve all rights granted by Federal Rule of Civil Procedure 15 to move to amend to add allegations relating to breach of contract.

Subject to the Parties' agreement and stipulations above, the Parties respectfully request that this Court dismiss these claims without prejudice and enter the attached Order.

FOLIO LAW GROUP PLLC

By: /s/ Cristofer Leffler
Cristofer I. Leffler, WA Bar No. 35020
LEAD COUNSEL
Cliff Win, Jr., CA Bar No. 270517
Folio Law Group PLLC
14512 Edgewater Lane NE
Lake Forest Park, WA 98155
Tel: (206) 512-9051
Email: cris.leffler@foliolaw.com
Email: cliff.win@foliolaw.com

Joseph M. Abraham, TX Bar No. 24088879
Law Office of Joseph M. Abraham, PLLC
13492 Research Blvd., Suite 120, No. 177
Austin, TX 78750
Tel: (737) 234-0201
Email: joe@joeabrahamlaw.com

Of Counsel:

Andrea L. Fair
Texas Bar No. 24078488
Claire Abernathy Henry
Texas Bar No. 24053063
WARD, SMITH & HILL, PLLC
1507 Bill Owens Pkwy.
Longview, TX 75604
Tel: (903) 757-6400
Fax: (903) 757-2323
Email: andrea@wsfirm.com
Email: claire@wsfirm.com

Counsel for Plaintiff K.Mizra LLC

Dated: November 12, 2021

/s/ Joshua R. Thane
Joshua R. Thane
Texas Bar No. 24060713
Kyle R. Akin
Texas Bar No. 24105422
HALTOM & DOAN
6500 Summerhill Road, Suite 100
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800
Email: jthane@haltomdoan.com
Email: kakin@haltomdoan.com

Hersh Mehta
IL Bar No. 6306586
Cristina Q. Almendarez
IL Bar No. 6316733
BENESCH FRIEDLANDER COPLAN &
ARONOFF LLP
71 South Wacker Drive, Suite 1600
Chicago, IL 60606 4637
Telephone: (312) 624-6403
Facsimile: (312) 767-9192
hmehta@beneschlaw.com
calmendarez@beneschlaw.com

**ATTORNEY FOR DEFENDANTS
HEWLETT-PACKARD ENTERPRISE
COMPANY AND ARUBA NETWORKS,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November 2021, I electronically filed the foregoing with the clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Cristofer Leffler
Cristofer I. Leffler

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff conferred with counsel for Defendant and this motion is agreed.

By: /s/ Cristofer Leffler
Cristofer I. Leffler